Express Mail No. EV 130049036 US

9D-RG-19587 **PATENT**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Graves et al.

Art Unit:

Serial No.: 09/758,611

Filed: January 11, 2001

Examiner:

For:

SPEEDCOOKING OVEN INCLUDING A

CONVECTION/BAKE MODE

PETITION TO REVIVE PATENT APPLICATION FOR UNINTENTIONAL FAILURE TO RESPOND TO NOTICE OF MISSING PARTS (37 C.F.R. § 1.137(b)) **RECEIVED**

Box DAC

Hon. Commissioner for Patents Washington, D.C. 20231

JUL 1 6 2002

OFFICE OF PETITIONS

Pursuant to 37 C.F.R. § 1.137(b), this is a petition for revival of an unintentionally abandoned application. Particularly, a Notice To File Missing Parts Of Nonprovisional Application was mailed by the U.S. Patent and Trademark Office (USPTO) on February 26, 2001, in the above-referenced patent application. The response to missing parts was due on April 26, 2001. A Notice of Abandonment has not been received.

The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee to a deposit account is set forth below in Paragraph **(4)**.
- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.

07/15/2002 TRESHRH1 00000048 012384 09758611

02 FC:141 1280.00 CH

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- (4) Fees:
 - a. Late Filing Fee Surcharge (37 C.F.R. 1.16(e)) \$ 130.00
 - b. Petition Fee (37 C.F.R. 1.17(m)) \$ 1,280.00
 - c. TOTAL FEES DUE: \$ 1,410.00

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. A duplicate copy of this petition is enclosed.

- (5) Enclosed is a required response to the notice of missing parts including:
 - a. Copy of the Notice To File Missing Parts Of Nonprovisional Application
 - b. Copy of the signed Declaration And Power Of Attorney of Todd Vincent Graves, Kevin Farrelly Nolan and Brian Robert Goodrich.
 - c. Copy of the Associate Power Of Attorney And Change Of Correspondence Address as filed December 18, 2001, including:

Change of Correspondence Address Form PTO/SB/122 Return Post Card Stamp-Received Return Post Card

d. Twenty-Three (23) Sheets of Formal Drawings

As set forth above, the entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional. Therefore, Applicants respectfully request that the subject application be revived.

Respectfully Submitted,

Thomas M. Fisher

Registration No. 47,564

ARMSTRONG TEASDALE LLP

One Metropolitan Square, Suite 2600

St. Louis, Missouri 63102-2740

(314) 621-5070



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.usplo.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/758,611

01/11/2001

9D-RG-19587

CONFIRMATION NO. 8977

FORMALITIES LETTER

OC000000005802010*

John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Sq. St. Louis, MO 63102

Date Mailed: 02/26/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/15/2002 TBESHAH1 00000048 012384 09758611 FILED UNDER 37 CFR 1.53(b)

01 FC:105

130.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities ECEIVED indicated below.

JUL 1 6 2002

The required item(s) identified below must be timely submitted to avoid abandonment:

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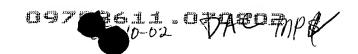
- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY





9D-RG-19587 PATENT

JUL 0 8 2002 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Graves et al.

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SPEEDCOOKING OVEN INCLUDING A

CONVECTION/BAKE MODE

CERTIFICATE OF MAILING BY EXPRESS MAIL TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

RECEIVED
JUL 1 6 2002

Express Mail mailing label number: EV 130049036 US

OFFICE OF PETITIONS

Date of Mailing: July 8, 2002

I certify that documents listed below:

- ◆ Petition To Revive Patent Application For Unintentional Failure To Respond To Notice Of Missing Parts (37 C.F.R. § 1.137 (b)) (2 pages, in duplicate)
- Copy of the Notice To File Missing Parts Of Nonprovisional Application (1 page)
- ◆ Copy of the signed Declaration And Power Of Attorney of Todd Vincent Graves, Kevin Farrelly Nolan and Brian Robert Goodrich(1 page)
- ◆ Copy of the Associate Power Of Attorney And Change Of Correspondence Address (1 page) as filed December 18, 2001, including, Change of Correspondence Address Form PTO/SB/122 (1 page), Return Post Card (1 page) and Stamp-Received Return Post Card (1 page)
- ♦ Twenty-Three Sheets of Formal Drawings
- ◆ Certificate Of Mailing By Express Mail (1 page)
- Return Post Card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully Submitted,

Thomas M. Fisher, Reg.; No. 47,564 ARMSTRONG TEASDALE LLP

One Metropolitan Square, Suite 2600

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